

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2766 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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GULABSINGH MULSINGH ZALA

Versus

GABAT GRAM PANCHAYAT  
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Appearance:

MR RD RAVAL for Petitioner  
MR GM JOSHI for Respondent No. 1  
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CORAM : MISS JUSTICE R.M.DOSHIT  
Date of decision: 08/09/2000

ORAL JUDGEMENT

Heard the learned advocates.

The present petition has been preferred by the  
workman against the order dated 30th September, 1991,  
made by the Labour Court, Ahmedabad, in Misc.

Application No. 51/89 in Reference No. 712/85. It appears that earlier the petitioner was serving as a Clerk under the respondent Gram Panchayat and his service was terminated some time in the year 1985. Feeling aggrieved, the petitioner had raised an industrial dispute which was referred to the Labour Court, Ahmedabad, and registered as Reference No. 712/85. The said Reference was dismissed for non-prosecution on 2nd December, 1988. Feeling aggrieved, the petitioner made the above referred Misc. Application No. 51/89 for restoration. It was contended that in the year 1985 there was communal unrest in the city of Ahmedabad and, therefore, he could not attend the matter. The explanation did not satisfy the learned Labour Judge in as much as it was not proved that there was communal unrest in the city of Ahmedabad for the entire year of 1985. Moreover, the Reference was dismissed for non-prosecution on 2nd December, 1988. Even after 1985, the petitioner had not attended his matter for nearly three years. Thus, the petitioner was found to be remiss and was not diligent in prosecuting his matter. The court, therefore, rejected the said application.

On the facts and in the circumstances of the case, the petition is allowed. The order dated 30th September, 1991, is quashed and set aside. The Misc. Application No. 51/89 is allowed. The Reference No. 712/85 is ordered to be restored on the files of the Labour Court, Ahmedabad, on condition that - in the event the petitioner succeeds in the said Reference, the petitioner shall not be entitled to any service benefit including the continuity of service, wages, increment etc. for the period from the date of alleged termination of service till 1st October, 2000.

Rule is made absolute to the above extent. There shall be no order as to costs.

( MS R.M.DOSHIT J )

JOSHI